

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 2 Implementation of AB 72

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 16, 2006, as follows:

August 16, 2006
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 16, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586 FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures, Division 47 (Transitional Child Care), Chapter 47-100 (Stage One Child Care), Section 47-110 (Definitions); and Chapter 47-300 (Responsibilities of the County), Section 47-301 (Administration of Child Care Services)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations amend specific provisions and adopt new language in the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) that regulate Stage One of the California Work Opportunity and Responsibility to Kids (CalWORKs) child care program.

Current law requires the CDSS to notify Resource and Referral agencies (R&Rs) of the issuance of a revocation or a temporary suspension order (TSO) for a licensed child care provider.

Assembly Bill (AB) 72 (Statutes of 2004, Chapter 358) places additional notification and time frame requirements on CDSS. Effective January 1, 2005, CDSS is required to notify R&Rs within two business days of the issuance of a TSO or the revocation or placement on probation of a license for a child care provider within the R&Rs' jurisdiction.

AB 72 amended Section 8212 of the Education Code and added Section 1596.773 to the Health and Safety Code which affect R&Rs, county welfare departments (CWDs) and alternative payment programs (APPs). The amendments require R&Rs to remove from their referral list within two business days of receiving notice any licensed child care provider who is on probation, has their license revoked, or receives a TSO. In addition, R&Rs must notify CWDs and APPs within two business days of receiving these notices.

The new law requires CWDs and APPs to terminate payment to the child care provider within two business days of receiving notice that their license has been revoked or placed on TSO. In addition, CWDs and APPs are required to notify the parents and the child care provider of the reason for the termination within two business days of receiving notice.

Child care providers who have been placed on probation will continue to receive payment; however, CWDs and APPs are required to notify the parents within two business days that their child care provider has been placed on probation. Parents have the option to locate alternate child care arrangements or may remain with the provider without risk of subsidy payments being terminated to the provider.

These proposed regulations are to facilitate implementation of Section 8212(e) of the Education Code by providing clear, consistent procedures for CWDs to follow when they receive notification that a child care license has been placed on TSO, revoked, or that the provider has been placed on probation.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.
4. Federal Funding to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to Section 17500, et seq. of the Government Code because implementation of the regulations will, if anything, result in no costs.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because subsidized child care will continue to be paid for families who use providers in compliance with statute, such as providers whose licenses have not been revoked or temporarily suspended.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific Section 8212(e), Education Code and Sections 1596.773 and 1596.886, Health and Safety Code.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Robin Garvey	(916) 657-2586
Backup:	Alison Garcia	(916) 657-2586